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SUPREME COURT
STATE OF WASHINGTON

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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

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Respondent,

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12

v.

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CECIL DAVIS,

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15

Appellant.

NO. 80209-2

STATEMENT OF ADDITIONAL
AUTHORITY

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Pursuant to RAP 10.8, Respondent, State of Washington, respectfully submits the following as additional authority for support of the legal proposition indicated in the parenthetical:

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1. **Pulley v. Harris**, 465 U.S. 37, 43-51, 104 S. Ct. 871, 79 L. Ed. 2d 29 (1984)

(Eighth Amendment does not requires a state appellate court, before it affirms a death sentence, to engage in proportionality review of the type where the court compares the sentence in the case before it with the penalties imposed in similar cases to assess whether it is disproportionate)

2. **State v. Rice**, 110 Wn.2d 577, 605-606, 757 P.2d 889 (1998) (discussion of

propriety of prosecutor's argument regarding child victims last moments and whether it

STATEMENT OF ADDITIONAL AUTHORITY

DavisCecil addauth2.doc

Page 1

Office of Prosecuting Attorney

930 Tacoma Avenue South, Room 946

Tacoma, Washington 98402-2171

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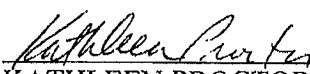
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1 was based upon reasonable inferences and avoided being an improper appeal to passion
2 and prejudice).

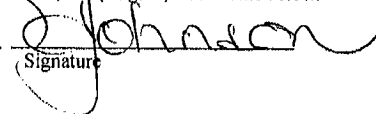
3
4 Dated: February 11, 2011.

5 MARK LINDQUIST
6 Pierce County
7 Prosecuting Attorney

8 
9 KATHLEEN PROCTOR
10 Deputy Prosecuting Attorney
WSB # 14811

11 Certificate of Service:

12 The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI
13 delivery to the attorney of record for the appellant and appellant c/o his or her attorney
14 or to the attorney of record for the respondent and respondent c/o his or her attorney true
15 and correct copies of the document to which this certificate is attached. This statement is
16 certified to be true and correct under penalty of perjury of the laws of the State of Washington.
17 Signed at Tacoma, Washington, on the date below.

18 
19 Date 2/11/11 Signature

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From: Heather Johnson [<mailto:hjohns2@co.pierce.wa.us>]

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Kathleen Proctor, WSB No. 14811

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Attached is the Statement of Additional Authority